

**ADDITIONAL WRITTEN COMMENTS  
OF THE AMHERST ALLIANCE**

**In FCC Docket RM-10803  
(Localism Task Force)**

***March 15, 2004***

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**UNITED STATES OF AMERICA**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**WASHINGTON, D.C. 20554**

**Localism Task Force**

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**FCC Docket No. RM-10803**

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OF THE AMHERST ALLIANCE**

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group, founded in Amherst, Massachusetts on September 17, 1998. THE AMHERST ALLIANCE supports media reform in general and Low Power Radio in particular. Most of our Members are current or aspiring Low Power FM or Low Power AM licensees, often with Part 15, Webcasting and/or Amateur Radio affiliations as well. The rest of our Members are concerned citizens, alarmed by our nation's unduly controlled flow of information -- due to its excessively concentrated media ownership.

THE AMHERST ALLIANCE has already made several filings with the FCC's Localism Task Force, in FCC Docket RM-10803.

## **Two Key Points**

We now submit the current Comments in order to make two key points.

1. THE AMHERST ALLIANCE commends the Federal Communications Commission for:

(A) Releasing the MITRE Corporation's Report, which investigated allegations of potential interference with full power stations by LPFM stations, in July of 2003,

*And*

(B) Recommending prompt repeal of current statutory restrictions on adjacent channel spacing of LPFM stations, in a Report To Congress during February of 2004.

2. At the same time, THE AMHERST ALLIANCE stresses that adjacent channel spacing reform for LPFM -- while an extremely important step forward -- will not, in and of itself, remove all of the unjustified regulatory barriers to the expansion of local broadcasting *through* the expansion of Low Power Radio.

Even *more* important to the Low Power Radio community are the urgently needed reforms proposed in a 63-party Petition For Expedited Relief Through Rulemaking. This Petition was filed with the FCC's Office of the Secretary, and simultaneously placed within the Docket for this Localism Task Force, on November 14, 2003.

These higher priority reforms include:

- (A) *Translator and Service Status Reform*, to prevent LPFM licensees and applicants from being displaced by “satellators”, or other long distance translators -- *and* to prevent licensed LPFM stations from being displaced by migrating, or newly licensed, full power stations

*And*

- (B) *Emergency Relief for radio stations assaulted by In Band On Channel (IBOC) Digital Radio interference* -- in the form of compensatory increases in otherwise applicable limits on wattage and/or tower height, for the sake of offsetting erosion of originally contemplated service areas.

In addition:

- (C) In certain urban areas where the spectrum is highly congested, such as Metro Detroit and Metro Boston, *a new Low Power AM Service* is more important than adjacent channel spacing for Low Power FM. In such areas, a new LPAM Service will yield more open frequencies on the dial than an expanded LPFM Service.

### **September 2003 Survey Of Amherst Member Priorities**

To buttress this second point, we will share with the Localism Task Force, and the Commission as a whole, the results of a September 2004 poll of Amherst Members.

Amherst's Membership was asked to rank each of 23 possible public policy objectives in terms of its importance to them. Possible goals were rated on a scale of 1 to 10, with 10 equal to "Urgent!", 5 equal to "OK if it doesn't drain too much time or energy away from higher priorities" and 1 equal to "Let's avoid this!".

Members of THE AMHERST ALLIANCE proved quite decisive, trimming the list of 23 possible public policy objectives down to 9 issues with scores of 4 or more -- and 7 issues with scores of 7 or more. The scores have been rounded below.

Here are the rankings *and* the importance scores:

<b>1. Retain Pre-Existing Ceilings On Ownership Of Radio Stations</b>	<b>9</b>
<b>2. Initiate Translator/Service Status Reform</b>	<b>8</b>
<b>3. Suspend, Replace Or Modify IBOC Digital Radio</b>	<b>8</b>
<b>4. Achieve Adjacent Channel Spacing Reform For LPFM</b>	<b>7</b>
<b>5. Restrain Presidential Spectrum Policy Initiative (PSPI)</b>	<b>7</b>
<b>6. Establish New LPAM Service (With The Option For Commercials)</b>	<b>7</b>
<b>7. Retain Pre-Existing Ceilings On Media Cross-Ownership and Ownership Of TV Stations</b>	<b>7</b>
<b>8. Block Higher Power Levels For Broadband Over Powerlines (BPL)</b>	<b>5</b>
<b>9. Override Homeowners' Association Bans On Radio Antennas</b>	<b>4</b>

Taken as a whole, these choices suggest a rational ordering of thought.

*Priorities Assigned To PRESERVING  
What Low Power Radio Has Now*

1. (Radio station ownership ceilings): 9
2. (Translator/Service Status reform): 8
3. (IBOC Suspension or Mitigation): 8
5. (Presidential Spectrum Policy Initiative): 7
7. (Cross-ownership/TV station ownership ceilings): 7

*Average Importance Score (Rounded): 8*

*Priorities Assigned To EXPANDING  
What Low Power Radio Has Now*

4. (Adjacent channel spacing reform for LPFM): 7
5. (New LPAM Service, with option to air commercials): 7

*Average Importance Score (Rounded): 7*

*Priorities Assigned To Helping Other  
Small-Scale Users of the Spectrum*

8. (Broadband Over Powerlines): 5
9. (HOA Antenna Bans): 4

*Average Importance Score (Rounded): 5*

In short: Members of THE AMHERST ALLIANCE assigned the highest average importance score (8) to “*survival issues*”: containing or mitigating forces which they perceive to threaten their viability in the long term, or even the short term.

Just below those priorities were *opportunities for expansion* (7). Then, after self-interest (starting with survival) had been prioritized, *helping others* made the list (5).

### **Where The Threats Are**

The leading threats to existing Low Power Radio licensees -- in order of their perceived imminence or magnitude -- are:

- (A) Removal or loosening of media ownership ceilings
- (B) Displacement of LPFM applicants by proliferating “long distance” translators and/or of LPFM licensees by migrating, or newly licensed, full power stations
- (C) Interference from IBOC Digital Radio

*And*

- (D) Shifts of spectrum management authority from the independent, bi-partisan Federal Communications Commission to the Presidentially controlled Department of Commerce, pursuant to the Presidential Memorandum of June 5, 2003 -- and with it, perhaps, shifts of non-commercial broadcast spectrum to commercial wireless uses

One important lesson for the Commission is that Low Power Radio stations, subsisting as they already are on minute service areas, view the prospect of major new interference as *financially life-threatening* -- not just inconvenient or annoying.

Members of THE AMHERST ALLIANCE are so concerned about interference that, apparently, many of them would forego reform of LPFM channel spacing if they could achieve an end to IBOC Digital Radio as a tradeoff.

Further: Amherst Members are even *more* concerned about displacement of LPFM applicants by long distance translators, displacement of LPFM licensees by full power stations and deregulation of radio station ownership than they are about IBOC!

Thus, *any* effective effort to promote localism through Low Power Radio *must* realize that providing *opportunities for expansion* is not enough. Even more important than opening additional doors of opportunity is providing a measure of reasonable *protection against acquisition, displacement and/or interference* by other broadcasters.

### **Where The Opportunities Are**

It is important for the Commission to note that Amherst Members have assigned *equal* priority to LPFM channel spacing reform and a new LPAM Service. In the larger metropolitan areas, although not in the smaller towns and cities, Members of Amherst put LPAM *first*. These Amherst Members have concluded that LPAM may well be the *only* way to gain frequencies for Low Power Radio in Metro Detroit, Metro Boston and certain other densely populated urban areas.

In this regard, we incorporate by reference the Written Comments that have been filed in this Docket by the MICHIGAN MUSIC IS WORLD CLASS! CAMPAIGN,

REC NETWORKS of Arizona and COMMONWEALTH BROADBAND  
COLLABORATIVE of Massachusetts.

Our Members stress that establishing a new LPAM Service, *in addition to* initiating LPFM channel spacing reform, is uniquely important because:

- (A) As noted above, it may be the *only* way for *some* metropolitan areas to gain *any* Low Power Radio stations at all;

*And*

- (B) LPAM offers a way to accommodate *commercial* Low Power Radio applicants who were “frozen out” of the LPFM Service, completely, in the Commission’s final LPFM rule of January 2000.

Regarding this second point, allowing LPAM stations *the option* of airing commercials may well require seeking from Congress a statutory exemption, from mandatory license auctions, for Low Power Radio stations on the AM Band.

For *all* concerned, however, awarding an auctions exemption for LPAM stations would surely be less disruptive than the alternative of asking Congress to *re-open* the current LPFM Service. *Some* aspiring Low Power Radio broadcasters want to be small businesses -- in effect, successors to the Class A stations which Congress and the FCC have auctioned into the hands of out-of-town megacorporations -- and their yearning to fill the gap left by acquired Class A stations is not going to go away. It will be much easier to allow them *their own* Low Power Radio Service, on the AM Band, than to force them to press for a fair share of the Low Power Radio Service on the FM Band.

## Conclusions

Amherst urges the Localism Task Force, and the rest of the FCC, *not* to view LPFM channel spacing reform as a substitute for limiting megacorporate acquisitions of radio stations ... for preventing displacement of LPFM applicants by long distance translators, and of LPFM licensees by migrating, or newly licensed, full power stations ... and for stopping, or mitigating, interference from IBOC Digital Radio stations.

Nor should LPFM channel spacing reform be seen as a substitute for establishing a new LPAM Service.

Respectfully submitted,

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